

Advisory Opinions on Consent Agenda - November 2020

Item #	Docket #	Caption	Analysis	Recommendation
G5	2020-586	Advisory Opinion request from L.J. Brady, a retired Assistant Director of Wastewater with St. Charles Parish (pop. 52,812) relative to post employment restrictions.	The Code of Governmental Ethics would prohibit L.J. Brady from providing consulting work to BLD Services or Meyers Engineering on projects that involve the St. Charles Parish Wastewater Department. Because Mr. Brady's duty was to run the Wastewater Department, he would be considered to be the agency head of the Wastewater Department, and as such would be prohibited from assisting another person, for compensation, until July 18, 2022, with a transaction involving the Wastewater Department.	Adopt the proposed advisory opinion draft.

Item #	Docket #	Caption	Analysis	Recommendation
G6	2020-619	Advisory Opinion Request from Michelle L. Ludwigsen, former Parenting Coordinator for the 22nd JDC Family Court - Division K, regarding post-employment restrictions.	<p>SCENARIO 1: May Ms. Ludwigsen provide parenting coordination services, for compensation, to previous clients. Section 1121B(1) would prohibits her from assisting former clients who voluntarily seek her services, since she participated in those specific transactions during her employment with the 22nd JDC Family Court.</p> <p>SCENARIO 2: May Ms. Ludwigsen provide parenting coordination services for compensation as a result of new referrals or appointments directly from the 22nd JDC via a court order. She states that this scenario would be for clients to whom she had not previously provided services. Section 1121B(1) prohibits her from rendering parenting coordination services to new clients on a contractual basis through an Order of the 22nd JDC Family Court - Division K. However, she may render services to new clients on a contractual basis through an Order from one of the other Judges in the 22nds JDC, since she only rendered services in Division K.</p> <p>SCENARIO 3: May Ms. Ludwigsen provide parenting coordination services for compensation to new clients who are referred to her through their legal counsel or new clients who voluntarily choose herr services without a court order. Section 1121B would not prohibit Ms. Ludwigsen from providing parenting coordination services to new clients who are referred to her through their legal counsel or voluntarily choose her services.</p>	Adopt the proposed advisory opinion.

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G7	2020-632	A Request for an Advisory Opinion, submitted by Doreen O. Brasseaux of the American Council of Engineering Companies of Louisiana (ACECL), regarding whether the Louisiana Code of Governmental Ethics would prohibit public servants from accepting an invitation from the ACECL to attend the Excellence Awards banquet and receiving their award.	Based on the facts presented, La. R.S. 42:1115 generally prohibits a public servant from soliciting or accepting a thing of economic value from persons that have or are seeking to have a business, financial, or contractual relationship with their public agency; persons regulated by their agency; and, persons that have substantial economic interests which can be substantially affected by the performance or nonperformance of the employee's official duty. However, La. R.S. 42:1123(13)(a)(i)(aa) allows for the acceptance by a public servant of complimentary admission to a civic, non-profit, educational, or political event when the public servant is a program honoree. Here, the public servant is present at the event as a representative of the agency that is the recipient of the award. Accordingly, the public servant would not be prohibited from accepting complimentary admission to the banquet in order to accept an award on his agency's behalf.	Adopt the proposed advisory opinion.

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G8	2020-674	A Request for an Advisory Opinion submitted by Christopher P. Guerin regarding whether the Louisiana Code of Governmental Ethics would prohibit him from continuing to provide CPA services to the 18th JDC Public Defender's Office and Port City Enterprises, Inc., while he serves as the Assessor for West Baton Rouge Parish beginning on January 1, 2021.	Based on the facts presented, the Code would not prohibit Mr. Guerin from providing CPA services to the 18th JDC Public Defender's Office and Port City Enterprises, Inc., while he serves as the Assessor for West Baton Rouge Parish. As long as the CPA services that he provides to the 18th JDC Public Defender's Office and Port City Enterprises, Inc. are not of the subject matter of which is devoted substantially to the responsibilities, programs, or operations of the WBRPAO, La. R.S. 42:1111(C)(1)(a) does not prohibit the provision of CPA services. However, Mr. Guerin would be prohibited from providing CPA services to Port City Enterprises, Inc. should it enter into or seek to enter into a contractual, business, or other financial relationship with the WBRPAO. Additionally, Mr. Guerin would be prohibited from representing the 18th JDC Public Defender's Office and Port City Enterprises, Inc. before the WBRPAO.	Adopt the proposed advisory opinion.
G9	2020-687	A Request for an Advisory Opinion by Rose M. Jackson, regarding Louisiana Open Meeting Laws.	The request for an advisory opinion does not implicate the Code. Ms. Jackson has been informed that the subject matter of her request is not within the jurisdiction of the Board, but, is within the province of the Attorney General's Office. As a result, Ms. Jackson seeks to withdraw her request for an advisory opinion.	Accept the withdrawal of Ms. Jackson's request for an advisory opinion.

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G10	2020-696	Advisory Opinion Request from Scott Wilson, President of the City of Baton Rouge/East Baton Rouge Parish Metropolitan Council, regarding the awarding of a contract to Kevin Newman, a reserve officer with the East Baton Rouge Parish Police Department.	In the event Kevin Newman remains a volunteer reserve officer, Community Network Alliance, LLC and Kevin Newman would not be prohibited by the Code from entering into the Grant contract with BRPD, provided Mr. Newman receives no compensation for his duties as a reserve officer, is not serving as an agency head, and will not participate in his public duties on the Grant program, as required by the exception in Section 1123(35). In the event Mr. Newman resigns as a reserve officer, Section 1121A(1) would not prohibit Mr. Newman from entering into the Grant contract with BRPD, since the contract is not with and he would not be rendering services to his former agency, the BRPD Uniform Patrol Division.	Adopt the proposed advisory opinion.
G11	2020-703	Advisory Opinion Request of Barbara Albert, an employee of Belle Chasse Middle School in Plaquemines Parish, regarding her business, LegalShield and IDShield.	The Code would not prohibit Ms. Albert from offering and providing compensated services to Plaquemines Parish School Board employees. However, Ms. Albert should be cautioned that Section 1111C(2)(d) prohibits her from providing compensated services to any person who has a relationship with her agency, Belle Chasse Middle School, including the parents of her students. An information sheet regarding prohibited sources has been provided to Ms. Albert. If she has any concerns regarding a potential client, she should submit an additional advisory opinion request.	Adopt the proposed advisory opinion.

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G12	2020-706	Advisory Opinion Request of Kaelysia Cooper, a Talent Development Consultant Specialist in State Civil Service, regarding her professional coaching business.	Generally, Ms. Cooper's request presents no issues under the Code. However, she should be cautioned that Section 1111C(2)(d) will prohibit her from receiving compensation for providing services to any person who would be considered a prohibited source. An information sheet regarding prohibited sources will be provided to her. Additionally, Section 1111E(1) will prohibit Ms. Cooper from providing services to assist any person in a transaction involving her agency, the Talent Development Department within the State Civil Service. Finally, Section 1111C(1)(a) will prohibit her from utilizing state-developed resources or programs in providing services to third parties. If she has any concerns regarding a potential client, she should submit an additional advisory opinion request.	Adopt the proposed advisory opinion.